IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 753 OF 2006

Laxman Gyanba Dhygude ...Appellant
V/s.
Pandharpur Municipal Council ...Respondent

Mr.Ajay A. Joshi for the Appellant.
Mr.Sarang Aradhye for the Respondent.

CORAM : V.M. KANADE, J.

DATED : JULY 4, 2007

P.C. :-

1. The appellant is challenging the concurrent findings of both the courts below whereby both the courts had dismissed the suit which was filed by the appellant for specific performance of contract of the agreement executed by the Corporation to reconvey the property acquired by the Government to the appellant herein.

2. The learned Counsel for the appellant submitted that the lower appellate court had erred in dismissing the appeal on the ground that the Corporation do not have any right to enter into agreement of sale. This submission cannot be accepted. The property is acquired

by the Government in 1937 and thereafter given to the Corporation. It is a well settled position in law that unless sanction is obtained from the State Government, the Corporation does not have any authority to enter into any agreement in respect of the said property. There is no merit in the submission made by the learned Counsel for the appellant.

. Second Appeal is dismissed.

(V.M. KANADE, J.)